

# **Fiscal Year Updates**

## FISCAL YEAR UPDATES

### DHHS

**33.23.** (DHHS: IDEA Part C Compliance) With the funds available to the department, the Department of Health and Human Services shall report to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee no later than December 31, ~~2021~~ **2022** on the status of the department's efforts to bring the Individuals With Disabilities Education Act (IDEA) Part C program into compliance with federal requirements. This report must specifically address areas in which the IDEA Part C program has received low performance scores and include any relevant correspondence from the U.S. Department of Education. The report must explain the department's plan for bringing the program into compliance, including specific steps and the associated timeline.

**33.24.** (DHHS: Personal Emergency Response System) With funds appropriated and authorized to the Department of Health and Human Services for Fiscal Year ~~2021-22~~ **2022-2023**, the department shall develop one or more Requests for Proposals, to provide for Personal Emergency Response Systems (PERS) to be issued to Medicaid recipients pursuant to the department's Medicaid Home and Community-based waiver. The PERS devices must include in addition to emergency response services, unlimited twenty-four hour, seven-day a week live phone contact with experienced registered nurses for triage services. A PERS nurse triage call center must be accredited and must be separate from the PERS emergency response call center. The PERS device must have a wireless radio transmitter and a console that is cellular and does not require a traditional land line. A PERS device that includes nurse triage services also must comply with the requirements of Federal Communications Commission rules, 47 C.F.R. Part 68; and be approved by the Underwriters Laboratory or Equipment Testing Laboratories as a health care signaling product. The Department of Health and Human Services shall apply for any waiver necessary under the department's Medicaid Home and Community-based waiver to implement these provisions.

### DHEC

**34.53.** (DHEC: State Trauma Registry) From the funds appropriated or authorized in the current fiscal year, the Department of Health and Environmental Control, through the State Trauma Registry, shall direct that all state verified trauma centers are required to submit relevant patient care data. The department shall develop appropriate policies or regulations no later than January 1, ~~2021~~ **2022**, to ensure data is collected by all trauma centers.

**34.58.** (DHEC: Solar Projects) From the funds appropriated to the Department of Health and Environmental Control, and within one hundred and twenty days after the effective date of this act, the department shall submit regulations to guide all South Carolinians invested in, selling, installing, and using photovoltaic modules and energy storage system batteries in the management of end-of-life photovoltaic modules and energy storage system batteries on solar projects and the decommissioning of solar projects in excess of thirteen acres. Management of end-of-life photovoltaic modules and energy storage system batteries shall include both partial refurbishing of a solar project and complete decommissioning. In the development of these rules, the department shall collaborate with stakeholders and shall consider all of the following matters:

(1) Whether photovoltaic modules, energy storage system batteries, their materials, or other equipment used in utility-scale solar projects exhibit any of the characteristics of hazardous waste, as identified in 40 C.F.R. Part 261, or under rules adopted pursuant to the S.C. Hazardous Waste Management Act, Section 44-56-10 of the 1976 Code, or if any such equipment is properly characterized as solid waste under State and Federal law.

## FISCAL YEAR UPDATES

(2) Preferred methods to responsibly manage end-of-life photovoltaic modules, energy storage system batteries, or the constituent materials thereof, or other equipment used in utility-scale solar projects, including the extent to which such equipment may be:

- (a) reused, if not damaged or in need of repair, for a similar purpose;
- (b) refurbished, if not substantially damaged, and reused for a similar purpose;
- (c) recycled with recovery of materials for similar or other purposes;
- (d) safely disposed of in construction and demolition or municipal solid waste landfills for material that does not exhibit any of the characteristics of hazardous waste under state or federal law; or
- (e) safely disposed of in accordance with state and federal requirements governing hazardous waste for materials that exhibit any of the characteristics of hazardous waste under state or federal law.

(3) The volume of photovoltaic modules and energy storage system batteries currently in use in the State, and projections, based upon the data on life cycle identified currently on impacts that may be expected to the State's landfill capacity if landfill disposal is permitted for such equipment at end-of-life.

(4) Whether or not adequate financial assurance requirements are necessary to ensure proper decommissioning of solar projects in excess of thirteen acres upon cessation of operations.

(5) Infrastructure that may be needed to develop a practical, effective, and cost-effective means to collect and transport end-of-life photovoltaic modules, energy storage system batteries, and other equipment used in utility-scale solar projects for reuse, refurbishment, recycling, or disposal.

(6) Whether or not manufacturer or installer stewardship programs for the recycling of end-of-life photovoltaic modules and energy storage system batteries should be established for applications other than utility-scale solar project installations, and if so, fees that should be established for these manufacturers and installers to support the implementation of such requirements.

The department shall submit interim reports to the Chairman of the Senate Judiciary Committee and the Chairman of the House Labor, Commerce and Industry Committee on all activities pursuant to this provision on a quarterly basis beginning July 1, ~~2021~~ **2022**, and shall submit a final report with findings, including stakeholder input, to the to the Chairman of the Senate Judiciary Committee and the Chairman of the House Labor, Commerce and Industry Committee no later than June 30, ~~2022~~ **2023**.

**34.59.** (DHEC: Permit Extension) The expiration and any associated vested right of a critical area permit or navigable water permit issued by Department of Health and Environmental Control for the construction of a dock is extended until June 30, ~~2022~~ **2023**, provided the permit is valid on July 1, ~~2021~~ **2022** or at any time during the previous eighteen months. This provision may not be construed or implemented to:

- (1) extend a permit or approval issued by the United States or its agencies or instrumentalities;
- (2) extend a permit or approval for which the term or duration of the permit or approval is specified or determined pursuant to federal law;
- (3) shorten the duration that a permit would have had in the absence of this provision;
- (4) prohibit the granting of additional extensions provided by law;
- (5) affect an administrative consent order issued by the department which is in effect on, or issued at any time from the effective date of this provision to June 30, ~~2022~~ **2023**;
- (6) affect the ability of a governmental entity to revoke or modify a permit pursuant to law;
- (7) modify a requirement of law that is necessary to retain federal delegation by the State of South Carolina of the authority to implement a federal law or program; or
- (8) affect department's Office of Ocean and Coastal Resource Management permits issued pursuant to R.30 12(N) Access to Coastal Lands

Within thirty days after the effective date of this act, the department shall place a notice in the State Register noting the extension of expiration dates provided for in this provision.

## FISCAL YEAR UPDATES

**34.60.** (DHEC: Onsite Wastewater Systems) In the current fiscal year, the Department of Health and Environmental Control may expend funds appropriated and authorized in this act to regulate onsite wastewater systems, including septic tanks and other sewage treatment and disposal systems, but the department only may regulate such onsite systems in the same manner as such systems were regulated on January 12, ~~2021~~ **2022**.

### DMH

**35.11.** (DMH: Fitness to Stand Trial) The Department of Mental Health shall initiate a pilot program to determine the efficacy and cost effectiveness of providing treatment services in a detention center to adult criminal defendants who have been determined unfit to stand trial but who are likely to become fit in the foreseeable future. Upon completion of a court hearing, consideration of evidence that a defendant is unfit to stand trial but is likely to become fit to stand trial in the foreseeable future, and when the court orders the defendant hospitalized for up to an additional sixty days, the department shall have discretion to provide restoration treatment to a defendant in a hospital or in a detention facility. The department shall submit a report detailing the findings of the pilot program to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Governor no later than June 30, ~~2022~~ **2023**.

### DDSN

**36.14.** (DDSN: Beaufort DSN Facility) For Fiscal Year ~~2021-22~~ **2022-23**, the Department of Disabilities and Special Needs is authorized to retain the full amount of proceeds from the sale of the local Disabilities and Special Needs Board of Beaufort County property. The funds retained from this sale must be used by the department to purchase a new property for the local Disabilities and Special Needs Board in Beaufort County that more appropriately meets the needs of the individuals served. Unexpended funds may be carried forward into the current fiscal year and used for the same purpose. The department must provide a status report to the Beaufort County Legislative Delegation by June 30, ~~2022~~ **2023**, detailing the retention of any sale proceeds and/or the expenditures of those funds.

### DSS

**38.23.** (DSS: Internal Child Fatality Review Committees) For Fiscal Year ~~2021-22~~ **2022-2023**, the Director of the Department of Social Services shall create and fund Internal Child Fatality Review Committees (internal committees) pursuant to the authority granted in Sections 43-1-60(3), 43-1-80, and 63-7-910(E) of the 1976 Code to allow for the rapid and expeditious review of reported child fatalities that are reported to the Department of Social Services on suspicion of abandonment, child abuse, neglect or harm as defined in Section 63-7-20. This review process will enable the department to respond to the safety needs of any surviving siblings and will lead to improvement in the department's efforts to prevent child fatalities caused by abandonment, child abuse, neglect or harm. Each internal committee shall be composed of a board-certified child abuse pediatrician, an agent from the State Law Enforcement Division, a local law enforcement officer, a representative from the local coroner's office, and representatives from the Department of Social Services. The internal committee may invite other service provider organizations as deemed necessary. The department is authorized to provide reasonable compensation for board-certified child abuse pediatricians serving on an internal committee. Internal committees shall have access to information and records maintained by a provider of medical care regarding a child whose death is being reviewed by the internal committee, including information on prenatal care; all information and records maintained by any state, county, or local government agency, including, but not limited to, birth certificates, law enforcement investigation data, county coroner or medical examiner investigation data, parole and probation information and records, and information and records of health agencies that provided services to the child or family. The meetings, information obtained by,

## FISCAL YEAR UPDATES

reports prepared by, and statements made before the internal committees are confidential and protected from disclosure pursuant to the Freedom of Information Act, criminal and civil proceedings, and subpoenas as set forth in Sections 63-7-940 and 63-7-1990.

### PEBA

**108.12.** (PEBA: COVID-19 Return to Work Extension) For Fiscal Year ~~2021-22~~ **2022-23**, the earnings limitation imposed pursuant to Section 9-1-1790 and Section 9-11-90 of the 1976 Code does not apply to retired members of the South Carolina Retirement System or the Police Officers Retirement System who return to covered employment to participate in the state's public health preparedness and response to the COVID-19 virus. This section is not intended to supersede or conflict with Act 102 of 2021, S. 704 of 2021. In the event of a conflict, the provisions of the Act control.

### GENERAL PROVISIONS

**117.136.** (GP: Authorization for Expenditure of COVID-19 Federal Funds) (A)(1) The State of South Carolina desires to procure professional grant management services for oversight and compliance of funds received through the 'Coronavirus Aid, Relief, and Economic Security Act' (CARES Act) and any other available source of federal COVID-19 relief funds. It is intended that the procurement will result in a contract for professional grant management services that can assist the State with grant management to include, but not be limited to: understanding the requirements and funding streams related to the CARES Act and federal relief funds; creating a framework for grant management from application for funds to disbursement of funds to include the development of processes and controls, data collection, evaluation of requests, and reporting; and creating a system of monitoring for compliance and detecting possible fraud, waste, and abuse.

(2) It is vital to the State's interest that a contract be awarded for such professional grant management services in the most expeditious manner possible and time is of the essence. Accordingly, this procurement should be done pursuant to the provisions of Section 11-35-1570 of the 1976 Code. The Executive Director of the South Carolina Department of Administration shall coordinate the process used to procure the professional grant management services needed and shall be responsible for the development of specifications to be included in any contract awarded. The State Fiscal Accountability Authority shall serve as the procuring officer for the procurement process and is responsible for administrative duties related to the process and the contract awarded pursuant to it. The State Fiscal Accountability Authority shall assign such personnel as requested by the Executive Director of the Department of Administration to assist the Department of Administration in carrying out its duties under this act.

(B) State boards, commissions, agencies, departments, and institutions of higher learning are authorized to receive funds directly from the federal government in response to the 2019 Novel Coronavirus (COVID-19). Funds so received shall be expended for COVID-19 preparedness and response and in accordance with applicable federal laws and regulations. Any state board, commission, agency, department, or institution of higher learning that receives funds must submit an expenditure plan to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. Beginning on June 1, ~~2020~~ **2022**, and on the first day of each month thereafter, the recipient shall provide a detailed accounting of the expenditure of all federal relief funds to the Governor and the General Assembly. The detailed accounting must be made available on the Governor's website. Unexpended funds, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

(C) The Governor is authorized to receive on behalf of the State of South Carolina federal funds designated for the Coronavirus Relief Fund.

(D) The Executive Budget Office shall establish the Coronavirus Relief Fund as a federal fund account separate and distinct from all other accounts. All federal appropriations received by the Governor

## FISCAL YEAR UPDATES

pursuant to subsection (C), must be credited to the Coronavirus Relief Fund account. No other funds may be credited to this account and funds in the account may be expended only by appropriation or authorization by the General Assembly.

(E) Nothing herein limits any state board, commission, agency, department, or institution receiving funds from the Coronavirus Relief Fund from continuing to expend funds from other sources, including state appropriated funds, that are necessary to address the state's response to COVID-19. Any unexpended funds from the Coronavirus Relief Fund, without limitation, may be carried forward into the succeeding fiscal year and expended for the same purpose.

**117.144.** (GP: Statewide Mobile Health Units Coordination Project) For Fiscal Year ~~2021-22~~ **2022-23**, the South Carolina Center for Rural and Primary Healthcare may provide coordination and requested technical assistance to mobile health units in South Carolina, in order to coordinate statewide delivery of services to increase access to preventative and diagnostic health care, and reduce health inequities for rural, vulnerable, underserved, and displaced populations in South Carolina. To support this goal, the South Carolina Center for Rural and Primary Healthcare shall: 1) be authorized to identify and maintain a directory of currently operating mobile health units, the areas of the state in which they serve, and the scope of services they provide; 2) offer technical assistance to these units, and any established in the future, in the form of operational, technical, or logistical guidance and consultation as requested; and 3) partner with The University of South Carolina Salkehatchie and Denmark Technical College, along with other public institutions of higher education and organizations, and the Department of Health and Environmental Control to develop coordinating systems, training and health education services. The center shall be available to assist and support implementation strategies driven by local, regional, and state data and research and aligned efforts, and may provide organization and collaboration among mobile health units and any units that may begin operating in the future. The mobile health units may collaborate with the South Carolina Center for Rural & Primary Healthcare, and other partners, in these efforts.

**117.154.** (GP: Mental Health Transportation) (A) Funds appropriated to the Department of Mental Health for the Alternative Transportation Program shall exclusively be used to support the transportation of individuals pursuant to Article 5, Chapter 17, Title 44 of the 1976 Code and as defined herein. These funds may be carried forward and expended for the same purpose.

(B) As soon as practicable within the current fiscal year, the Director of the Department of Mental Health shall cooperate with the Division of Procurement Services of the State Fiscal Accountability Authority in the development and issuance of a Request for Proposals (RFP) for an Alternative Transportation Program that provides transportation services for nonviolent individuals requiring immediate hospitalization as described in Article 5, Chapter 17, Title 44 of the 1976 Code. The purpose of the RFP shall be to seek proposals from qualified private providers to provide timely, safe, and secure transportation for such individuals. Before finalizing the RFP, the Division of Procurement Services shall provide relevant stakeholders with an opportunity to provide recommendations on the scope and structure of the Alternative Transportation Program, subject to the following provisions:

(1) The program shall initially be made available within a pilot region to be identified by the authority in consultation with the Department of Mental Health. Subject to the authority's judgment, the RFP shall be structured so as to accommodate subsequent awards and/or contract amendments to serve other regions of the State, in which case, only one vendor shall be selected in each region, but a single vendor may be selected to provide services in multiple or all regions.

(2) In structuring the initial pilot, the authority shall endeavor to provide the availability of the Alternate Transportation Program in an optimal service area at an annualized cost that does not exceed the amount appropriated for this purpose.

## FISCAL YEAR UPDATES

(3) The RFP shall be conducted as provided for under the South Carolina Consolidated Procurement Code.

(4) Upon implementation, the Alternative Transportation Program must be available on a 24-hour basis every day of the year.

(5) Drivers must pass a criminal background check and complete relevant and appropriate training prior to furnishing services.

(6) Transportation vehicles must be secure but nondescript and drivers must be clothed in professional attire that does not resemble a law enforcement uniform.

(C) When transportation is provided through this Alternative Transportation Program, the written agreement described in Section 44-17-440(A) of the 1976 Code shall not be required.

(D) No later than January 15, ~~2022~~ **2023**, the authority shall provide the Governor, the Chairman of the House Ways and Means Committee, and the Chairman of the Senate Finance Committee with a report on the implementation of this program. The report shall include a projection of the annualized amount by which the cost of a statewide Alternative Transportation Program might, at full implementation, exceed the amount appropriated for the program in the current fiscal year.